

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 05-12689-WRS

Chapter 7

ROGER A. ARNOLD,

Debtor

GE MONEY BANK,

Plaintiff

Adv. Pro. No. 06-1006-WRS

v.

ROGER A. ARNOLD,

Defendant

MEMORANDUM DECISION

This Adversary Proceeding is before the Court on the Motion for Summary Judgment filed by Plaintiff GE Money Bank. (Doc. 18). The Court ordered the Defendant to file his response not later than January 5, 2007. (Doc. 19). No response has been filed.

GE claims that the Defendant, the Debtor in this bankruptcy case, is indebted to it in the amount of \$5,015.27 as a result of a cash advance on a credit card. They contend that the debt should be excepted from discharge pursuant to 11 U.S.C. § 523(a)(2)(A), which excepts debts arising from fraud from the Debtor's discharge. GE further contends that the Debtor took the cash advance with no intention to repay it, which is a species of promissory fraud. GE served requests for admission upon the Debtor which have not been answered. As a result, the requests are deemed admitted pursuant to Rule 7036, Fed. R. Bankr. P.

Based upon the record before the Court, it appears that judgment should be entered in favor of Plaintiff GE Money Bank and against Defendant Roger A. Arnold. The indebtedness owed GE by Arnold is excepted from discharge pursuant to 11 U.S.C. § 523(a)(2)(A). The Court will enter judgment by way of a separate document.

Done this 24th day of January, 2007.

/s/ William R. Sawyer
United States Bankruptcy Judge

c: Britt Batson Griggs, Attorney for Plaintiff
David G. Poston, Attorney for Defendant